

STANDARD PROCEDURE	PAGE: 1 OF 8
ISSUED BY: Office of Administrative Services, Division of Human Resources	
EFFECTIVE DATE: 3/30/05, Revised 12/20/05; 7/22/08	
PROCEDURE # 2.7	
SUBJECT: Flexible Work Schedule	
DISTRIBUTION CODE: A,B,C,D	CONTACT: Director, Division of Human Resources 564-7233

I. PURPOSE

Flexible scheduling is offered to provide more flexibility in the scheduling of an employee's workday. The goal of this program is to provide citizens of the commonwealth, including those who reside in different time zones, with improved service. It is also an objective of this program to allow work assignments to be completed more efficiently and effectively. Flexible work schedules may also allow employees to take advantage of reduced traffic, car pools and personal preferences concerning work schedules. Satisfactory performance in the completion of job duties and responsibilities is the first priority in all decisions regarding the use of flexible work hours. As a result, there may be a business need for management to alter an employee's work schedule. Employees shall also acknowledge that the opportunity to have a flexible work schedule is a privilege.

II. ELIGIBLE EMPLOYEES

Finance and Administration Cabinet (Cabinet) employees, including merit, non-merit and interim, whose schedules include the core hours of 9:00 A.M. to 3:00 P.M. (first-shift employees), may apply for a flexible work schedule. An employee shall execute a Flexible Work Schedule Agreement (Agreement) (7. Forms - 2.7/a) in order to participate in the program.

Employees shall have a minimum cumulative balance of sixteen (16) hours of compensatory and/or annual leave to be approved to work Option C or D. An employee's supervisor and director, executive director or commissioner, as applicable, with the written approval of the Division of Human Resources, may make exceptions and approve an alternative work schedule on a case by case basis.

Once an employee has successfully completed the initial probationary employment period, the employee may submit a request for a flexible work schedule for the next eligible quarter.

III. GUIDELINES FOR IMPLEMENTING FLEXIBLE WORK SCHEDULES

Definitions/Guidelines

A. Work Week

The work week shall be defined as a seven-day week, which shall begin at 12:01 A.M. on Sunday through 12:00 (midnight) on Saturday.

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B. Office Hours

1. All offices serving the public shall be accessible from 8:00 A.M. to 5:00 P.M. local time Monday through Friday.
2. Employees working hours before and after office hours shall be required to perform all assigned duties, such as answering phone calls and assisting walk-in customers even though these additional hours are not publicized.

C. Core Hours

1. All employees with flexible work hours shall be scheduled during the core hours, 9:00 A.M. to 3:00 P.M.
2. All employees shall be scheduled to work forty (40) hours per work week.

D. Starting and Ending Times

1. Allowable starting times for work shall be between 6:30 A.M. and 9:00 A.M.
2. Allowable ending times shall be between 3:00 P.M. and 7:30 P.M.
3. Starting and ending times may vary from day to day but must be established and approved as part of the Agreement.

E. Lunch Periods

Lunch periods shall be scheduled between 10:30 A.M. and 3:00 P.M. and shall consist of thirty (30) minutes, sixty (60) minutes or ninety (90) minutes in duration. Lunch periods must be scheduled in accordance with KRS 337.355 which states *"...such time shall be as close to the middle of the employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours after his work shift commences, nor more than five (5) hours from the time his work shift commences"*. Lunch periods shall not be regularly scheduled to alter arrival and departure times.

F. Adequate Staffing

Schedules shall be coordinated to ensure that every office shall be adequately staffed from 8:00 A.M. to 5:00 P.M. local time each day.

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G. Quarter-Hour Increments

All schedules shall be based on quarter-hour increments.

H. Breaks

Employees shall be allowed two fifteen (15) minute breaks per day. It shall not be permissible to alter arrival or departure times by working through scheduled breaks.

I. Direct Supervision

Direct supervision is not required during all scheduled work hours. However, the immediate supervisor shall monitor performance to ensure that employees maximize use of their time. Objective and measurable performance criteria shall be developed to facilitate productivity.

IV. WORK SCHEDULE OPTIONS

Each employee shall choose one of the following work schedules:

A. Regular Work Week (Option A)

1. Eight (8) hours per day, forty (40) hour work week.
2. Five (5) days per week.
3. Sixty (60) minute lunch period.

B. Five Day Work Week with Flexible Work Hours (Option B)

1. Eight (8) hours per day, forty (40) hour work week.
2. Work between 6:30 A.M. and 7:30 P.M. five days per week.
3. Thirty (30) minute (minimum) to ninety (90) minute (maximum) lunch period.

C. Four Day Work Week with Flexible Work Hours (Option C)

1. Ten (10) hours per day, forty (40) hour work week.

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2. Work between 6:30 A.M. and 7:30 P.M. four days per work week.
3. Thirty (30)-minute (minimum) to ninety (90)-minute (maximum) lunch period.

D. Alternative Work Schedule (Option D)

Employee may propose another work week schedule in a justification memorandum that has been submitted with the Agreement which shall require the written approval of the employee's supervisor and director, executive director or commissioner, as applicable; and the Division of Human Resources.

V. APPROVAL PROCESS

- A.** An employee choosing a regular work week (Option A) shall not be required to complete an Agreement (7. Forms - 2.7/a).
- B.** An employee choosing flexible work hours (Option B or C), shall:
 1. Complete, sign and date the Agreement; and
 2. Forward the Agreement to their immediate supervisor for approval.
- C.** The supervisor, upon receipt of the signed Agreement, shall within five (5) working days from the date of receipt:
 1. If approved, sign and date; and
 2. Forward the Agreement to the director, executive director or commissioner, as applicable, for final approval.
- D.** The director, executive director or commissioner, as applicable, upon receipt of the signed Agreement, shall within five (5) working days from the date of receipt:
 1. If approved, sign and date the Agreement; and
 2. Forward the original Agreement to the Division of Human Resources to be placed in the employee's personnel file; and
 3. Provide a copy of the Agreement to both the supervisor and the employee.

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E. If the Agreement is not approved:

1. The supervisor shall set forth in a memorandum, the reason for the refusal and attach to the Agreement.
2. The supervisor shall submit the Agreement and memorandum within five (5) working days of receipt to the director, executive director or commissioner as applicable, for review.
3. The director, executive director or commissioner as applicable, shall within five (5) working days of receipt, review the Agreement and memorandum and render a final decision whether or not to approve the Agreement.
4. If the Agreement is not approved the director, executive director or commissioner as applicable, shall provide to the employee within five (5) working days of receipt, an explanation in writing, justifying the final decision.
5. The employee may, upon receipt of the notice denying the request for a flexible work schedule, submit a revised Agreement.
 - a. The revised Agreement shall be given to their supervisor no later than five (5) working days from the date the employee received the written refusal.
 - b. The supervisor shall either approve the revised Agreement or within five (5) working days submit justification for denial to the director, executive director or commissioner as applicable.
 - c. The director, executive director or commissioner as applicable, shall review the revised Agreement and respond to the request for reconsideration within five (5) working days of receipt of revised Agreement from the supervisor.
 - d. If the revised Agreement is not approved, the employee shall work a regular work week (Option A).

F. Alternative Work Schedule (Option D)

1. If an employee submits a request for an alternative work schedule (Option D), the employee shall follow the same process and time requirements as set forth above in Section V.B.
2. The employee shall select Option D on the Agreement and attach a memorandum setting forth the requested alternative work schedule.

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3. The Agreement and memorandum shall be submitted to the supervisor for approval.
4. If approved by the supervisor, the supervisor shall submit within five (5) working days of receipt, a justification memorandum setting forth the reasoning for approving the alternative work schedule. That memorandum along with the Agreement and employee memorandum shall be submitted to the director, executive director or commissioner, as applicable for approval.
5. If approved, the director, executive director or commissioner as applicable, shall sign and date the justification memorandum as well as the Agreement.
6. Within five (5) working days of approving the alternative work schedule, the director, executive director or commissioner as applicable, shall submit the Agreement and attached memorandums to the Division of Human Resources.
7. The Division of Human Resources shall have five (5) days to review the request for an alternative work schedule and if approved sign and date the Agreement.
8. The Division of Human Resources shall place the original copy of the Agreement and attachment memorandums in the employee's personnel file. The Division of Human Resources shall provide a copy of the approved Agreement and attachment memorandums to the employee and supervisor and director, executive director or commissioner as applicable.
9. If the alternative work schedule is not approved, the employee may submit a revised Agreement, as provided in Section V.E and V.F 7-8.

VI. Temporary change in work schedule

- A. To ensure that no employee works more than forty (40) hours per work week, an employee who has been approved for a work schedule that results in working less than five (5) days per work week shall revert back to Option A or B under the following conditions:
 1. Training or special programs that shall require the employee to be present on their day off.
 2. All work weeks that include holidays.

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Example. Employee works Option C with Monday as her day off. Her Agreement reflects that her hours are 7:30 A.M. to 6:00 P.M. with a thirty (30) minute lunch Tuesday thru Friday. This year the Fourth of July falls on a Monday. For the week of July 4, the employee shall be required to work an eight (8) hour day Tuesday thru Friday.

- B.** Changes in an employee's work schedule based upon the best interests of the Cabinet, shall be considered a temporary change and shall not affect the employee's quarterly work schedule.

VII. Documenting Leave Balances

Annual and sick leave accrued shall be based on an eight (8) hour work day. An employee, when using leave time (annual, sick, compensatory, without pay, etc.) shall take the total hours requested up to a maximum of eight (8) hours per day.

VIII. Changing a Work Schedule Agreement

- A.** An employee may change an Agreement only with approval and on a quarterly basis. No action is needed to continue a current Agreement. However, changes to an employee's flexible work schedule may be granted in special situations outside the quarterly schedule if approved by the supervisor and the director, executive director or commissioner, as applicable.
- B.** Quarterly schedules are as follows:
 1. January 1 through March 31
 2. April 1 through June 30
 3. July 1 through September 30
 4. October 1 through December 31
- C.** An employee who would like to change his/her flexible work schedule shall submit a new Agreement no later than twenty (20) working days prior to the first day of the next quarter. The employee shall follow the approval process set forth in Section V to obtain a new Agreement. Any employee who fails to timely submit a new Agreement shall be required to maintain the previous quarter's flexible work schedule.

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IX. Revocation of a work schedule Agreement

- A.** Flexible work schedules are a privilege granted by the Cabinet and may be revoked if abused or determined not to be in the best interest of the Cabinet or the commonwealth.
- B.** If an Agreement is revoked for cause, the employee shall automatically be reassigned to a regular work week (Option A).
- C.** If an Agreement is revoked for business reasons, the employee and supervisor shall determine the employee's new work schedule. If a new flexible work schedule is appropriate, the employee shall complete a new Agreement and follow the approval process set forth in Section V.

X. Earning of overtime

This procedure does not prohibit an employee from earning overtime. However, the employee shall obtain prior approval before working over forty (40) hours during a work week.

XI. Forms

-Flexible Work Schedule Agreement (7. Forms - 2.7/a).

NO STANDARD PROCEDURE MAY BE REVISED BY ADDENDUM, MEMORANDUM OR ANY OTHER MEANS OTHER THAN THOSE SET OUT IN STANDARD PROCEDURE # 1.1 ENTITLED "CREATION, REVISION AND RESCISSION OF FINANCE AND ADMINISTRATION CABINET PROCEDURES."

DISTRIBUTION CODES:

**A. Senior Management B. Division Directors C. Branch Managers/Supervisors
D. Cabinet Personnel E. Division Personnel F. Branch Personnel G. Attached Agencies**
